

REMARKS

Claims 1-43 have been canceled. New claims 44-58 are now pending in the application.

In the office action mailed on June 30, 2005, the examiner objected to the title of the application as not being sufficiently descriptive. In response, the title has been amended to make it more descriptive.

In the office action mailed on June 30, 2005, the examiner rejected claims 1-3, 5, 7, 11-14, 16, 21, 22, 24, 26, 30-34, 36, 38, 42, and 43 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,790,878 (Anderson). Further, the examiner rejected claims 6, 8-10, 17-20, 25, 27-29, 37, and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over Anderson. Finally, the examiner rejected claims 4, 15, 23, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of U.S. Patent No. 6,327,001 (Yamagishi).

All original claims (1-43) rejected by the examiner in the office action mailed on June 30, 2005 have been canceled and replaced with new claims 44-58. The applicant has considered all the prior art made of record in this application, including Anderson and Yamagishi. The cited references do not individually or in combination disclose all the elements recited in new independent claims 44, 49, and 56. The applicant, therefore, believes new claims 44, 49, and 56 to be allowable. Since the remaining new claims depend from allowable independent claims, they too are allowable. New claims 44-58 are fully supported by the specification (see, e.g., the first paragraph of the Detailed Description; page 6, lines 3-17; Figs. 4A-4C; and the textual descriptions of Figs. 4A-4C in the Detailed Description).

Though Anderson discloses a system and method for recovering from a power failure in a digital camera, it differs fundamentally from new claim 44. In Anderson, an effort is made to detect a battery failure *before* it becomes catastrophic (i.e., before the device is no longer able to operate due to insufficient battery charge). Battery voltage is continually monitored, and when the battery voltage falls below a threshold, the device in Anderson issues a powerfail interrupt, performs a powerfail powerdown sequence to preserve data, switches to a low-power operating mode by disabling non-critical subsystems, and switches

the critical subsystems to a backup power supply (col. 2, lines 19-30). The method recited in claim 44 differs completely from Anderson. First, the device is allowed to experience a hard (catastrophic) battery failure before any corrective action is taken (note that the nature of such a "battery failure" is explicitly recited in claim 44). Such an approach is not even suggested in Anderson. Secondly, in new claim 44, when an attempt is made to restart the device *after* the initial battery failure, the device determines that the battery has insufficient charge to support prolonged operation of the device. Anderson does not deal with subsequent attempts to restart the device after a battery failure and before the power failure has been remedied. Thirdly, because batteries, once the load has been removed, typically recover sufficiently after a brief period (e.g., a few seconds to perhaps a minute) to support brief operation of the device, the device is properly shut down using the residual charge remaining in the battery. This technique of, in response to an attempt to restart the device *after* a hard battery failure, properly shutting down and disabling further operation of the device using residual battery power following a brief battery recovery period is not taught in Anderson. Finally, further operation of the device is disabled until the battery has been recharged or replaced. Since, as demonstrated above, Anderson does not teach all of the elements of claim 44, it cannot anticipate claim 44, nor does it render claim 44 obvious. As already stated, the other prior art made of record does not, individually or in combination with Anderson, disclose all of the elements of new claim 44. Therefore, claim 44 is allowable.

The same arguments as those above in connection with new claim 44 apply equally to new claims 49 and 56. Therefore, those claims are also allowable.

This application is considered to be in condition for allowance, and reconsideration of the application is requested.

Respectfully submitted,

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